REMARKS

A. Status of the Claims

Claims 44-68, 70-76, and 78-85 are pending in the present examination. All pending claims stand rejected.

Claims 70, 71, 74, 75, 78, 79, 82, 83, 84, and 85 are rejected under 35 U.S.C. § 112, ¶ 1, for alleged lack of enablement.

Claims 44-67 are rejected under 35 U.S.C. § 103 for allegedly being unpatentable over Rothbard et al. (U.S. Patent Application Number 2002/0009491) ("Rothbard").

Claims 68, 70, 72, 73, 76, 78, 80, and 81 are rejected under 35 U.S.C. § 103 for allegedly being unpatentable over Cooke et al. (U.S. Patent No. 6,605,115 B1) ("Cooke") in view of alleged admitted prior art and in further view of Fossel (U.S. Patent No. 5,895,658) ("Fossel").

Claims 71, 74, 79, 82, 84, and 85 are rejected under 35 U.S.C. § 103 for allegedly being unpatentable over Cooke in view of alleged admitted prior art and Fossel, as applied to claims 68, 70, 72, 73, 76, 78, 80, and 81 above, in further view of Gazzani (U.S. Patent No. 5,053,230) ("Gazzani").

B. Explanation of the Amendments

In this response, Applicants have amended independent claims 44, 56, 68 and 76. Claims 44 and 46 have been amended to specify that "the cosmetic formulation does not contain a therapeutic agent that is delivered by the polymer." Support for this claim language is found generally throughout Applicants' specification. For example, Applicants' specification discloses an embodiment wherein the claimed polymer is not used to provide delivery of other therapeutic agents:

> [T]hese drugs are only effective when given systemically and are ineffective when administered topically because of poor absorption. [I]n any case, what has been shown in the above-cited literature is that ***oligomers of arginine have been shown to provide delivery of other therapeutic agents. In contrast, the present invention is directed to the use of arginine oligomers as prophylactic or therapeutic/cosmeceutical agents in their own right, in treating keratinocyte tissues.*** [emphasis added].

See ¶ [0012] of US Pre-Grant Publication No. 20050226821 (hereafter the '821 application).

Claims 68 and 76 have been amended to specify, *inter alia*, that the claimed "method for achieving a cosmetic effect" involves the steps of (1) "identifying a region of the body in need of cosmetic enhancement", and (2) "dilating blood vessels in the region of the body to achieve the cosmetic effect…wherein the cosmetic effect is not promotion of hair regrowth." Support for these amendments is found, e.g., at ¶¶ [0008] and [0017]of the '821 application.

Applicants respectfully submit that no new matter has been added by these amendments. All amendments are made without prejudice or disclaimer, and Applicants reserve the right to file claim in a later stage of prosecution or in a continuation application to pursue any subject matter that may have been cancelled by the amendments presented herein.

C. The Claims Are Enabled

Claims 70 and 78 are rejected under 35 U.S.C. § 112, ¶ 1, because they allegedly read on the complete prevention of hair loss but do not enable it. Office Action at 4. Without agreeing to the propriety of this rejection, Applicants have amended claims 70 and 78 to expedite prosecution. These claims now specify "[a] method for dilating blood vessels in a region of the body to achieve a cosmetic effect…selected from the group consisting of treatment of hair loss…" (emphasis added). Applicants respectfully assert that no new matter is added by these

amendments and note that the Examiner has previously indicated that "treatment of hair loss" is fully enabled by the specification. Office Action at 3.

Claims 74 and 82 are rejected under 35 U.S.C. § 112, ¶ 1, because they allegedly fail to "enable the treatment of all conditions that would benefit from the stabilization or remodeling of fact," such as "weight management." Office Action at 7. However, Applicants respectfully assert that one of ordinary skill in the art, upon reading the specification and claims, would understand that the claims are not directed to "all conditions that would benefit from the stabilization or remodeling of fat." Id. Claims 68 and 76, from which claims 74 and 82 respectively depend, recite a "method for dilating blood vessels in a region of the body to achieve a cosmetic effect," wherein, according to claims 74 and 82, the cosmetic effect is the "stabilization or remodeling of fat." Therefore, claims 74 and 82 are directed to a specific type of fat stabilization or remodeling, *i.e.*, fat stabilization or remodeling that is achieved by means of vasodilation. Not "all" conditions that would benefit from the stabilization or remodeling of fact can be achieved with vasodilation. Applicants therefore submit that the present invention is enabled commensurate in scope with the claims. Accordingly, the rejection under 35 U.S.C. § 112, ¶ 1 should be withdrawn.

Claims 71, 79, 84, and 85 are rejected under 35 U.S.C. § 112, ¶ 1 for alleged lack of enablement for "all signs of aging, particularly discoloration, blotching, sallowness, hyperpigmented skin regions, keratoses, abnormal differentiation, hyperkeratinization, elastosis, collagen breakdown of skin, and histological changes in the stratum corneum, dermis, epidermis, and skin vascular system." Office Action at 9. For the same reasons as claims 74 and 82, the present invention is enabled commensurate with the scope of claims 71, 79, 83, and 85. The "cosmetic effect" for these claims is the "alleviation of signs of aging in skin." The independent

claims from which they depend make clear that the cosmetic effect is achieved by means of a "method for dilating blood vessels." Therefore the "signs of aging in skin" which the claims contemplate are those which are treatable by vasodilation, not "all" signs of aging. Office Action at 13. Moreover, the specific conditions recited in claims 84 and 85 are types of conditions treatable by vasodilation to achieve a cosmetic effect. Thus, the present invention is enabled commensurate in scope with the claims. Accordingly, the rejection under 35 U.S.C. § 112, ¶ 1 should be withdrawn.

Claims 75 and 83 are rejected under 35 U.S.C. § 112, ¶ 1 for alleged lack of enablement for treating gum regression. Office Action at 14. First, claims 75 and 83 are not directed to reversing or curing gum regression, which is "still thought to be irreversible." Specification at 2. Instead, the specification teaches that that the appearance of regressed gums can be "mitigated by vasodilation for at least a transient cosmetic benefit." Id. To this extent, the present invention is enabled because it is taught in the specification that "vasodilation leads to transient, reversible increases in tissue mass and sensitivity." Id. at 1. For the same reason, the Chan reference cited by the Office Action does not teach away from applying a vasodilator to recessed gums. Chan states that "excess NO" can lead to "chronic inflammation." Chan, col. 1, ll. 39-43. Again, the claims are not directed to a persistent or excessive application of the claimed composition to the gums, but rather only an "effective amount" to achieve a transient and reversible cosmetic effect. The specification defines an "effective amount" as one that is "sufficient to significantly induce a positive benefit . . . but that implicitly is a safe amount, i.e. one that is low enough to avoid serious side effects." Specification at 7. Moreover, the specification provides working examples that demonstrate an "effective amount" of the claimed composition. *See* id. at 10, 12. For these reasons, the present invention is enabled

commensurate in scope with the claims. Accordingly, the rejection under 35 U.S.C. § 112, ¶ 1 should be withdrawn.

D. Claim 44-67 Are Patentable Over Rothbard

Applicants respectfully traverse the rejection of claims 44-67 under 35 U.S.C. § 103(a) for allegedly being unpatentable over Rothbard. Briefly, Rothbard does not teach or suggest all of the elements of Applicants' claims. Accordingly, the rejection under 35 U.S.C. § 103(a) should be withdrawn. See In re Royka, 490 F.2d 981, 985 (CCPA 1974) (holding that obviousness requires a suggestion of all limitations in a claim).

According to the Office Action, claims 44-67 are not patentable over Rothbard because it would have been obvious to "provide a polymer having a number of arginine subunits within the range recited in claim 44, and with a dermatologically acceptable vehicle, with the ***expectation of providing a transport enhancing composition suitable for topical application***." Office Action at 18-19 (emphasis added). However, claims 44 and 56, as amended, specify that the claimed cosmetic formulation "does not contain a therapeutic agent that is delivered by the polymer." Nowhere does Rothbard teach or disclose such a composition. To the contrary, the compositions of Rothbard are specifically required to include a therapeutic agent that is delivered by a "delivery-enhancing transporter". Rothbard ¶ [0012]. Rothbard further states that the delivery-enhancing transporter may include "poly-Arg transporters consisting of heptamers, octamers, nonamers, and the like of arginine," as well as "peptides comprising arginine residues in addition to other amino acid residues," Id. ¶¶ [0047]-[0048].

As Rothbard does not teach or disclose "[a] cosmetic formulation [that] does not contain a therapeutic agent that is delivered by the polymer," the rejection of claims 44-67 under 35 U.S.C. § 103(a) for allegedly being unpatentable over Rothbard should be withdrawn. Applicant respectfully requests reconsideration and withdrawal of this ground of rejection.

E. The Cited Passages from Applicants' Specification Do Not Constitute "Admitted Prior Art"

The Office Action cites several portions of Applicants' specification, alleging that these portions of the specification constitute "admitted prior art." While Applicants categorically deny that any such admissions were made in the specification, Applicants take this opportunity to address in particular the Office Action's reliance on the last paragraph of page 1 in its formulation of its rejections under 35 U.S.C. § 103(a). Far from being "admitted prior art," as the Office Action contends, this paragraph of Applicants' specification discusses various novel aspects of Applicants' invention, including the recognition that one can topically apply the claimed arginine polymers as part of a method to cause treated tissue to have an enlarged appearance for cosmetic purposes. Indeed, several sentences of this paragraph are written in the conditional voice, which indicates that the corresponding subject matter of those sentences has not been previously established in the prior art. The paragraph in question, with examples of such sentences highlighted, is provided below:

> In highly vascularized tissues such as lips, gums, genitalia, etc, vasodilatation leads to transient, reversible increases in tissue mass and sensitivity. A method for enhancing vasodilatation in these tissues would therefore lead to a tissue with enlarged appearance for the duration of vasodilatation--a limiting factor for current products. For all skin, cutaneous vasodilatation creates a natural blush appearance and can enhance superficial skin temperature. Additionally, appearance of certain fine lines and wrinkles might

> be lessened, leading to additional cosmetic benefits. For cosmetic purposes, enhanced lip size has become desirable. Natural appearing changes in skin and lip color have also become important drivers for cosmetics. For highly innervated structures such as genitalia, these same changes will lead to increased sensitivity to stimulation as well as increased turgor. Additionally, structures such as gums regress with age and with inappropriate care (hard toothbrush bristles, etc). This regression is still thought to be irreversible. However, the appearance might be mitigated by vasodilatation for at least a transient cosmetic benefit. [specification, paragraph bridging pages 1 and 2].

As seen in the foregoing paragraph, not only are sentences written in the conditional voice, but the paragraph also states that currently existing healthcare products are limited in the sense that they do not vasodilate tissue to create an enlarged appearance for the duration of the vasodilation:

> A method for enhancing vasodilatation in these tissues would therefore lead to a tissue with enlarged appearance for the duration of vasodilatation -- a limiting factor for current products [specification, paragraph bridging pages 1 and 2 (emphasis added)].

Accordingly, Applicants maintain that they have made no admissions concerning the existence of the claimed "method of achieving a cosmetic effect" in the prior art. Thus, the Office Action's reliance on Applicants' own specification for an alleged teaching in the prior art of "[a] method for enhancing vasodilation in…tissues [to produce] tissue with enlarged appearance" [see Office Action, p. 23] amounts to no more than the use of Applicants' own disclosure in an impermissible hindsight reconstruction of Applicants' invention. See MPEP § 2145.

F. Applicant's Claims Patentable Over Cooke, Fossel and the Alleged Admitted Prior Art

The Office Action attempts to combine Cooke, the so-called "admitted prior art", and Fossel to arrive at Applicants' claimed "method of achieving a cosmetic effect." Applicants respectfully traverse for at least the following two reasons: (1) the combination of references fails to teach or suggest the claimed method of topical administration of arginine polymers; (2) the cited references teach away from the claimed "method of achieving a cosmetic effect" using arginine polymers. Accordingly, the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

1. The Combination of References Fails to Teach Or Suggest All of the Claimed Elements Of Applicants Invention

The Office Action alleges that (1) Cooke et al. teach that the applicant's compound increases the production of nitric oxide; (2) the Applicant teaches that nitric oxide is a vasodilator; (3) Cooke et al. teach that (L)-arginine oligomers enhance NO production by supplementing intracellular (L)-arginine levels; (4) Fossel teaches that a topical composition of L-arginine increases the blood flow to a tissue to achieve growth of hair; and (5) Applicant teaches that highly vascularized tissues such as lips, gums, genitalia, etc. lead to an increase in tissue mass, which would obviously result in cosmetic effects like lip plumpness and skin sensitivity. [Office Action, pp. 23-24]. On this basis, the Office Action concludes that Applicants' claims 68, 70, 72, 73, 76, 78, 80, and 81 are unpatentable.

Applicants respectfully disagree. As an initial matter, Applicants note that the Office Action's reliance on Cooke for a general teaching of applying arginine polymers to

produce NO is misplaced. Cooke is directed to preventing trauma-induced cell proliferation in the innermost surface of blood vessels (i.e., preventing trauma-induced intimal hyperplasia) following certain surgical procedures, including surgical incision to the blood vessel, applying prolonged pressure to the blood vessel, organ transplant, or a combination thereof. [Cooke, col. 3, lines 22-25]. Accordingly, Cooke's methods are limited to application of arginine polymers to internal cells, such as cells of the vasculature or of internal organs. For example, Cooke reports that an arginine polymer solution is directly added to the lumen of the blood vessel to be treated:

> For example, after a necrotic vessel segment (lesion) has been removed (transected), the remaining vascular region downstream from the excision site (distal to the heart) is clamped at a point several centimeters (e.g., 4 cm) from the proximal end of the downstream (distal) region, the clamped region is filled with arginine polymer solution, and the proximal end is then clamped to create a "sausage" containing the polymer solution. After the arginine polymer solution has been incubated in the clamped region for an appropriate time, the proximal clamp is removed, and the arginine polymer solution is optionally removed, followed by removal of the remaining clamp. [Cooke et al., col,. 14, lines 17-29 (emphasis added)].

Indeed, nowhere does Cooke teach or suggest "topically applying a dilating effective amount of…a polymer having from 7 to 15 subunits, each subunit consisting of a member of the group selected from L-arginine and physiologically acceptable salts of L-arginine" as recited in Applicants' claims.

Fossel does not teach or suggest topical application of arginine polymers either. To the contrary, Fossel, reports the topical application of free L-arginine monomers, but notes that the high charge density of free L-arginine molecules makes the free monomer resistant to transport into the tissue:

> In preferred embodiments, the L-arginine is provided so that it can be topically applied to the cold tissue. The preparation also

> contains agents which aid[] in the transfer of L-arginine into the tissue. In the preferred embodiments this agent overcomes the resistance to transfer caused by the high charge density of L-arginine. [Fossel, Abstract, lines 7-13 (emphasis added)]

As arginine polymers, such as those described by Cooke, would be an even more highly charged molecules than free L-arginine monomers, one of ordinary skill in the art would recognize that an arginine polymer would be even more difficult to transport through the skin than the free monomer. Accordingly, Fossel does not teach or suggest the topical application of arginine polymers.

Moreover, the mere fact that Cooke reports better uptake of arginine polymers, as compared to arginine monomers, in vascular tissue [see Cooke, col. 10, lines 17-20] would not, in and of itself, provide a teaching or suggestion to apply arginine polymers topically onto skin. As the skilled artisan will appreciate, skin is structurally different from vascular tissue in that it possesses a horny layer (i.e., stratum corneum) consisting of dead cells, the purpose of which is to provide a barrier to prevent penetration of foreign substances. Vascular cells and blood vessels do not have such a structure. The difficulties in transporting substance, particularly amino acids, across the horny layer of skin was recognized even by Gazzani, a reference that the Office Action itself cited:

> Considering the conventional mode of application of a cosmetic preparation and the well known impermeability of the skin towards almost all the aforesaid nutrient substances (since the factor limiting the cutaneous absorption is, as it is well known, the horny layer of the skin), said nutrient substances should be preferably present in their simplest form and have a low molecular weight: for instance aminoacids instead of proteins, nucleic bases instead of nucleic acids, pentoses and hexoses instead of polysaccharides, etc. [Gazzani, col. 2, lines 51-60 (emphasis added)].

Gazzani's requirement that "nutrient substances should be in their simplest form and have a low molecular weight" supports the notion that it is difficult to transport large molecules (e.g., arginine polymers) across skin.

Thus, neither Cooke nor Fossel teach or suggest "topically applying a dilating effective amount of…a polymer having from 7 to 15 subunits…" as recited in Applicants' claims. These deficiencies of Cooke and Fossel are not cured by the Office Action's reliance on the cited portions of Applicants' specification (i.e., the so-called "admitted prior art"), as these portions of the specification do not even mention "a polymer having from 7 to 15 subunits", much less topical application thereof.

Because the combination of these references fails to teach or suggest all of the elements of Applicants' invention, the rejection under 35 U.S.C. § 103(a) based on these references should be withdrawn. See In re Royka, 490 F.2d 981, 985 (CCPA 1974) (stating that obviousness requires a suggestion of all limitations in a claim).

2. The References Teach Away From the Claimed Method

In addition to its failure to teach all of the features of Applicants' claims, the Office Action's proposed combination of references is improper because it disregards statements in both Cooke and Fossel that teach away from the claimed invention.

To provide context for the following analysis, Applicants note that Cooke is in a totally different field of endeavor from the claimed "method of achieving a cosmetic effect." As discussed above, Cooke is directed to preventing trauma-induced cell proliferation in the innermost surface of blood vessels (i.e., preventing trauma-induced intimal hyperplasia) following certain surgical procedures, including surgical incision to the blood vessel, applying

prolonged pressure to the blood vessel, organ transplant, or a combination thereof. [Cooke, col. 3, lines 22-25]. According to Cooke, perturbations in the normal synthesis of nitric oxide (NO) lead to vascular proliferative disorders, such as intimal hyperplasia:

> Vascular endothelium normally expresses endothelial NO synthase (eNOS). In disease states, vascular cells also express inducible NO synthase (iNOS). Derangment of NO synthesis contributes to the development of vascular proliferative disorders, including atherosclerosis, restenosis after balloon angioplasty or other injury, and, vein graft disease [Cooke. col. 9, lines 38-43 (emphasis added)].

Cooke reports that "preservation or enhancement of NO synthesis can prevent or reverse some of the pathophysiological processes that contribute to vascular proliferative diseases." [Cooke, col. 9, lines 45-47]. However, Cooke recognizes that, absent vascular injury, where local L-arginine concentrations would become depleted, extracellular supplementation of arginine polymers would not lead to NO synthesis, because there is already an abundance of intracellular L-arginine:

> Because intracellular levels of L-arginine normally greatly exceed the K_m of the NOS enzyme, NO synthesis is ordinarily not dependent on extracellular supplementation. However, under certain circumstances, local L-arginine concentration can become rate-limiting. Such circumstances include elevated plasma or tissue levels of the endogenous NO synthase antagonist ADMA (asymmetric dimethylarginine) and inflammation-induced expression of the inducible NO synthase (iNOS). Both of these abnormalities are operative in the setting of vascular injury. [Cooke, col. 9, lines 48-58 (emphasis added)].

Thus, according to Cooke, only in situations of "vascular injury" or trauma, where local L-arginine concentrations are depleted, would the supplementation of extracellular arginine polymers be expected to increase NO synthesis. In the absence of "vascular injury" or trauma, Cooke explicitly teaches that NO synthesis is "not dependent on extracellular supplementation"

of arginine polymers because there is already an abundance of intracellular L-arginine. Thus, in view of Cooke, one of ordinary skill in the art at the time of the invention would have expected the addition of extracellular arginine polymers to be ineffective for increasing NO synthesis, absent any traumatic injury to the vasculature.

Such conclusions are further supported by the references cited by Fossel. Fossel reports several studies where the warming of tissue using oral supplementation of L-arginine was attempted, but no vasodilation (and therefore no tissue warming) was observed:

> Thus, while the literature contains suggestions that vasodilation by administration of oral L-arginine, the precursor of nitric oxide (endothelium-dependent relaxing factor), no reports exist of success in producing an actual warming of tissue using this agent. In fact Dietz (see N Dietz et al., J Appl Physiol 76,2047 (1994)) concludes from his data that "[t]hese data suggest that NO (nitric oxide) does not play a major role in cutaneous vasodilation during body heating in humans." [Fossel, col. 1, line 60 to col. 2, line 1 (emphasis added)].
>
> Further Singh (see S Singh et al., Eur J of Clin Invest 25, 182 (1995)) in a study of patients with Raynaud's phenomenon (severely cold hands and/or feet) concludes that L-arginine, administered orally, failed to cause vasodilation (and therefore warming) in patients with Raynaud's phenomenon. [Fossel, col. 2, lines 1-6 (emphasis added)].

In view of the foregoing, both Cooke and Fossel contain statements that teach away from the claimed invention. Thus, the Office Action's analysis is deficient, because it fails to take into account these portions of Cooke and Fossel. See W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) (stating that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention). Accordingly, the rejection of Applicants' claims under 35 U.S.C. § 103(a) is not well taken, and should be withdrawn.

3. Applicants Claims Are Patentable Over Cooke, the Alleged Admitted Prior Art, Fossel, and Gazzani

Applicants respectfully traverse the rejection of claims 71, 74, 79, 82, 84, and 85 under 35 U.S.C. § 103(a) for allegedly being unpatentable over Cooke, the alleged "admitted prior art", Fossel, and Gazzani. Briefly, Gazzani and Fossel teach away from the proposed combination of references. Accordingly, the rejection is improper and should be withdrawn.

The Office Action attempts to arrive at Applicants' invention as claimed in claims 71, 74, 79, 82, 84, and 85, alleging that (1) Cooke et al. teach that the applicant's compound increases the production of nitric oxide; (2) the Applicant admits that the prior art teaches that nitric oxide is a vasodilator; (3) Fossel teaches that a topical composition of L-arginine increases the blood flow to a tissue to achieve growth of hair; and (4) Gazzani teaches that when blood circulation towards and within the germinative layer is hindered, or the feeding of nutrient substances is reduced (which is known that feeding takes place by blood circulation), the layer becomes more and more atrophied. [Office Action, pp. 24-25]. Thus, the Office Action concludes that it would have been obvious to apply L-arginine oligomer to the skin or hair follicles, in order to provide nutrients and blood to the tissue area to reduce wrinkles and the look of old age. [Id].

Applicants respectfully disagree with the Office Action's analysis, because Gazzani teaches away from the proposed combination of references. As noted above, Gazzani specifically teaches away from the topical application of amino acid sequences, by stating that large molecules have difficulty penetrating the horny layer (i.e., stratum corneum) of skin:

> Considering the conventional mode of application of a cosmetic preparation and the well known impermeability of the skin towards almost all the aforesaid nutrient substances (since the factor limiting the cutaneous absorption is, as it is well known, the horny

> layer of the skin), said nutrient substances should be preferably present in their simplest form and have a low molecular weight: for instance aminoacids instead of proteins, nucleic bases instead of nucleic acids, pentoses and hexoses instead of polysaccharides, etc. [Gazzani, col. 2, lines 51-60].

Moreover, as noted above, Fossel reports that even free L-arginine monomers, when topically applied, have difficulty penetrating the skin without penetration enhancers:

> In preferred embodiments, the L-arginine is provided so that it can be topically applied to the cold tissue. The preparation also contains agents which aid[] in the transfer of L-arginine into the tissue. In the preferred embodiments this agent overcomes the resistance to transfer caused by the high charge density of L-arginine. [Fossel, Abstract, lines 7-13 (emphasis added)]

Since arginine polymers would be even more charged than free arginine monomers, the skilled artisan, in view of Fossel, would appreciate that arginine polymers would be even more difficult to transport across skin than the free arginine monomers. Thus, Fossel also teaches away from the topical application of arginine polymers.

In view of the foregoing, both Gazzani and Fossel contain statements that teach away from the claimed invention. Thus, the Office Action's analysis is deficient, because it fails to take into account the portions of Cooke and Fossel that teach away from Applicants' invention. See W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) (stating that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention). Accordingly, the rejection of Applicants' claims under 35 U.S.C. § 103(a) is not well taken, and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the pending rejections. In the event that the Examiner feels that a telephone conference would be useful for expediting prosecution, the Examiner is invited to contact Applicants' undersigned representative at the telephone number provided below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-3732, Order No. 13720-105110.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 13720-105110.

Respectfully submitted,
King & Spalding, L.L.P.

Dated: September 22, 2008

By: /Joseph D. Eng Jr./
Joseph D. Eng Jr.
Registration No. 54,084

1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 827-4318
Facsimile: (212) 556-2222